

The Hon. James L. Robart

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAIL WILSON,

Defendant.

No. CR21-071-JLR

~~PROPOSED~~

**PRELIMINARY  
ORDER OF FORFEITURE**

*gnc*

THIS MATTER comes before the Court on the United States' Motion for Entry of a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Michail Wilson's interest in the following property:

1. Approximately 407.74807353 bitcoins, seized on or about June 14, 2017, from Mycelium virtual currency wallets located in or accessible via a Samsung phone and/or Apple iPhone belonging to Defendant Michail Wilson, and any derivative units of virtual currency, including but not limited to units of Bitcoin Cash and Bitcoin Gold;
2. Approximately 379.65095816 bitcoins that were held in Bitcoin Core virtual currency wallets located in or accessible via Defendant Michail Wilson's laptop computer in June 2017 and seized from him on or about June 28, 2017, and any derivative units of virtual currency, including but not limited to units of Bitcoin Cash and Bitcoin Gold; and

1       3.    Approximately \$40,000 in U.S. currency, seized from Defendant Michail  
2       Wilson on or about June 14, 2017.

3       The Court, having reviewed the United States' Motion, as well as the other papers  
4 and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of  
5 Forfeiture is appropriate because:

- 6       •    The above-identified property is forfeitable pursuant to 18 U.S.C. §  
7       982(a)(1), as it was involved in the Defendant's commission of his  
8       *Conducting an Unlicensed Money Transmitting Business* offense, in violation  
9       of 18 U.S.C. §§ 1960(a), (b)(1)(A), (b)(1)(B) and 2; and,  
10      •    Pursuant to the Plea Agreement he entered on April 26, 2021, the Defendant  
11      agreed to forfeit his interest in the above-identified property pursuant to  
12      18 U.S.C. § 982(a)(1). Dkt. No. 11, ¶ 12.

13  
14      NOW, THEREFORE, THE COURT ORDERS:

15      1.    Pursuant to 18 U.S.C. § 982(a)(1) and his Plea Agreement, the Defendant's  
16 interest in the above-identified property is fully and finally forfeited, in its entirety, to the  
17 United States;

18      2.    Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will  
19 be final as to the Defendant at the time he is sentenced, it will be made part of the  
20 sentence, and it will be included in the judgment;

21      3.    The U.S. Department of Homeland Security, and/or its authorized agents or  
22 representatives, shall maintain the property in their custody and control until further order  
23 of this Court.

24      4.    Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the  
25 United States shall publish notice of this Preliminary Order and its intent to dispose of the  
26 currency as permitted by governing law. The notice shall be posted on an official  
27 government website—currently, [www.forfeiture.gov](http://www.forfeiture.gov)—for at least thirty (30) days. For  
28 any person known to have alleged an interest in the property, the United States shall also,

1 to the extent possible, provide direct written notice to that person. The notice shall state  
2 that any person, other than the Defendant, who has or claims a legal interest in the  
3 property must file a petition with the Court within sixty (60) days of the first day of  
4 publication of the notice (which is thirty (30) days from the last day of publication), or  
5 within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice  
6 shall advise all interested persons that the petition:

- 7           a. shall be for a hearing to adjudicate the validity of the petitioner's  
8           alleged interest in the property;  
9           b. shall be signed by the petitioner under penalty of perjury; and  
10          c. shall set forth the nature and extent of the petitioner's right, title, or  
11          interest in the property, as well as any facts supporting the petitioner's  
12          claim and the specific relief sought.

13          5. If no third-party petition is filed within the allowable time period, the  
14 United States shall have clear title to the property, and this Preliminary Order shall  
15 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

16          6. If a third-party petition is filed, upon a showing that discovery is necessary  
17 to resolve factual issues it presents, discovery may be conducted in accordance with the  
18 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
19 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
20 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
21 adjudication; and

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1        7.        The Court will retain jurisdiction for the purpose of enforcing this  
2 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
3 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
4 Fed. R. Crim. P. 32.2(e).

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6        IT IS SO ORDERED.

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8        DATED this 21<sup>st</sup> day of May, 2021.

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12        THE HON. JAMES L. ROBERT  
13        UNITED STATES DISTRICT JUDGE  
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18 Presented by:

19  
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